

# United States District Court

DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA

V.

Robert Booth

**CRIMINAL COMPLAINT**

CASE NUMBER: 4:13-mj-176

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 7, 2013 in Burke County, in the District of North Dakota defendant(s),

with the intent to evade a currency reporting requirement under section 5316, knowingly concealed more than \$10,000 in currency or other monetary instruments in a conveyance, namely a 1999 Coach recreational vehicle, and transported or attempted to transport or transfer such currency or monetary instruments from a place outside the United States to a place within the United States

in violation of Title 31 United States Code, Section(s) 5332(a)

I further state that I am a(n) Special Agent And that this complaint is based on the following facts: SEE ATTACHED AFFIDAVIT.

Continued on the attached sheet and made part hereof: ☒ Yes ☐ No

Sworn to before me and subscribed in my presence,

October 8, 2013

Date

at Bismarck, North Dakota

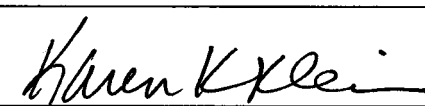
City and State

Karen K. Klein, U.S. Magistrate Judge

Name & Title of Judicial Officer

  
Signature of Complainant

Rick Hilzendager  
Special Agent,

  
Signature of Judicial Officer

### **AFFIDAVIT**

Your Affiant, Rick Hilzendager, is a Special Agent with Homeland Security Investigations (HSI), assigned to Bismarck, North Dakota. Your Affiant has been employed as a Special Agent with HSI since September of 2002. Prior to your Affiant's employment as a Special Agent with HSI, your Affiant was employed as a Special Agent with the North Dakota Bureau of Criminal Investigation for approximately three years, and prior to that, was employed in local law enforcement as a police officer for approximately three years.

On October 7, 2013, at approximately 4:30 PM, defendants Robert BOOTH, and his wife Jonna BOOTH, arrived at the Northgate, ND Port of Entry. Robert and Jonna BOOTH were occupants of a 1999 Coach Camper with British Columbia license plate 219RBN. Robert and Jonna BOOTH presented themselves for inspection for entry into the United States from Canada. The vehicle and occupants were referred to a secondary inspection. Robert and Jonna BOOTH both completed a Customs Declaration and both claimed that they were not carrying currency in excess of \$10,000 USD.

During an inspection of the motor home, CBP Officers noted a wood panel inside a cabinet in the bathroom, which looked as if it had previously been removed. CBP Officers found that the wood panel could be removed by unscrewing four screws. CBP Officers removed the panel and saw a large amount of currency in the compartment. CBP Officers removed and counted the currency. The total amount of the currency was \$73,080 Canadian dollars.

Robert BOOTH and Jonna BOOTH were separated and detained. Robert BOOTH was informed that a large amount of currency had been discovered in the motor home. CBP Officer Hartze conducted a routine check on Robert BOOTH while he was being detained. When Officer Hartze checked on Robert BOOTH, Robert BOOTH apologized and stated that he should have told officers that the money was there.

Due to the Northgate POE closing at 10:00 PM, Robert and Jonna BOOTH and the motor home were transported to the Portal, ND POE. Your Affiant, along with Special Agent Randy Helderop, arrived at the Portal POE. Your Affiant and CBP Officer Wayne Vigness met with Robert BOOTH in an interview room. Robert BOOTH was advised of his rights under Miranda and agreed to be interviewed. Robert BOOTH stated that the currency was his and that he had won it at a casino. Your Affiant told Robert BOOTH that it was known that the currency was from the sale of marijuana. Robert BOOTH then ended the interview and asked for an attorney.

Special Agent Randy Helderop and CBP Officer Tim Gange met with Jonna BOOTH in an interview room and advised her of her rights under Miranda. Jonna BOOTH agreed to be interviewed. Jonna BOOTH stated that she did not have any knowledge of the money. Jonna BOOTH stated that Robert BOOTH could have won the money gambling.

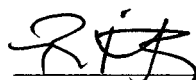
Your Affiant joined the interview with Jonna BOOTH and informed Jonna BOOTH that based upon the investigation, information gathered from her journal found in the motor home, and information from Robert BOOTH, it was known that the money was from the

sale of marijuana. Jonna BOOTH then stated that due to financial problems, they had transported marijuana to Winnipeg, Manitoba, Canada. Jonna BOOTH stated that the marijuana had been kept in two hockey bags, which were kept under the seats in the motor home. Jonna BOOTH stated that they had taken the marijuana to where they were supposed to drop it in Winnipeg and dropped the bags in a ditch. Jonna BOOTH stated that Robert BOOTH was unable to get ahold of the person who was supposed to pick the bags up. Jonna BOOTH and Robert BOOTH picked the hockey bags back up. Robert BOOTH and Jonna BOOTH took the hockey bags to a house in Winnipeg and dropped them off.

Jonna BOOTH stated that the weather forecast indicated possibly poor weather for their return trip. They did not want to drive through the mountains during poor weather so they attempted to enter the United States and travel West in the United States. Jonna BOOTH stated that she knew that Robert BOOTH kept the money from the sale of marijuana in the cabinet in the bathroom behind the wood panel. Jonna BOOTH stated that the trips to transport the marijuana were primarily Robert BOOTH'S deal. Robert BOOTH purposely tried to minimize Jonna BOOTH'S involvement by providing her with few details. Jonna BOOTH stated that they have made approximately one trip a month since approximately January of 2013. Jonna BOOTH stated that Robert BOOTH did not tell her how many pounds of marijuana they transported, nor did he tell her how much money he had received.

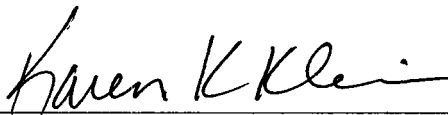
Your Affiant believes the above facts constitute a violation of Title 31 USC 5332(a).

The foregoing is true and correct to the best of your Affiant's knowledge and belief.



Rick Hilzendager  
Special Agent

Subscribed and sworn before me this 8th day of October, 2013, in Bismarck, North Dakota.



Karen K. Klein  
United States Magistrate Judge